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EXAMINER
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HASHEM, LISA

ART UNIT	PAPER NUMBER
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2614

NOTIFICATION DATE	DELIVERY MODE
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07/23/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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patents@fbtlaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/825,645	<b>Applicant(s)</b> VOS ET AL.	
	<b>Examiner</b> LISA HASHEM	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 17, 18, 20 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 17, 18, 20, 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **FINAL DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-12, 17, 18, 20, and 23 have been considered but are moot in view of the new ground(s) of rejection.
2. Claim 17 noted in the Amendment filed on 5-5-09 should have been cited has 'Currently amended' instead of 'Previously presented'.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1, 2, 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter: '...each category corresponds to...a combination thereof...' in claim 1; '...identifiers are selected from the group consisting of...a combination thereof...' in claim 2; and '...data related to...a combination thereof...' in claim 17, which applicant regards as the invention. It is unclear what the limitation '...a combination thereof...' refers to in all the claims. This limitation is not recited in the specification of the instant application. Appropriate action is required.
5. Claims 1 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter '...any recommendation related thereto...' which applicant regards as the invention. It is unclear what the limitation '...any recommendation related thereto ...' refers to in all the claims. This limitation is not recited in the specification of the instant application. Appropriate action is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-12, 17, 18, 20, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 7,027,586 by Bushey et al, hereinafter Bushey, in view of U.S. Pat. Appl. Publ. No. 2002/0083067 by Tamayo et al, hereinafter Tamayo.

Regarding claim 1, Bushey discloses a system (Figures 1 and 2; col. 5, line 43 – col. 7, line 16) for processing user inquiries (i.e. customer requests or services) (col. 7, lines 17-36), the system comprising:

a global knowledge database (i.e. agent data processor and interfaces; Fig. 2: 240, 250) including a plurality of categorized responses (i.e. communications modalities; attributes of an agent; various modes for transmitting and storing information including: voice, instant messaging sessions, email) (col. 5, lines 4-37) corresponding to a plurality of user inquiries (i.e. customer request for service; requested or identified communications modality) wherein each categorized response comprises at least one identifier (i.e. agent model; col. 5, lines 38-42) (col. 8, line 67 – col. 9, line 32; col. 11, lines 5-19; col. 12, lines 47-53);

a first response system (i.e. human agent; Fig. 1: 171, 172, 173) in communication with the global knowledge database (Fig. 2: 240, 250) (col. 8, line 58 – col. 9, line 3), the first response system configured to provide a first categorized response (i.e. voice, instant messaging sessions, email) included in the global knowledge database to a first user inquiry (i.e. customer request for

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service; requested communications modality) (col. 9, lines 4-20; col. 11, lines 26-41), the first response system being of a first type of response system (col. 6, lines 43-53; col. 10, lines 40-46);

a second response system (i.e. interactive voice response unit or automated agent; Fig. 1: 160, 161) in communication with the global knowledge database (Fig. 2: 240, 250) (col. 8, line 58 – col. 9, line 3), the second response system configured to provide a second categorized response (i.e. communications modalities; attributes of an agent; various modes for transmitting and storing information including: DTMF modality, speech recognition) included in the global knowledge database to a second user inquiry (i.e. customer request for service; requested communications modality) (col. 9, lines 4-20; col. 11, lines 26-41), the second response system being of a second type of response system (col. 6, lines 29-41 and lines 54-61; col. 10, lines 40-46);

an analysis database (i.e. match processor; Fig. 2, 270) configured to store and analyze first data (i.e. match scores) relating to the categorized responses provided by the first response system and the second response system, and second data (i.e. retrieved agent models) relating to the identifiers of the first response and the second response (col. 9, lines 33-41); and

a report generator (i.e. routing processor; Fig. 2, 280) configured to generate an interactive report (i.e. a list of best matched agents) using the data stored in the analysis database, wherein the report comprises a plurality of categories, wherein each category corresponds to a response system (i.e. agent), a categorized response (i.e. modality), an identifier of a categorized response (i.e. agent models), or a combination thereof (col. 9, line 42 – col. 10, line 11).

Bushey does not disclose means for generating a recommendation based on the report.

Tamayo discloses a system (Fig. 1) for processing user inquiries, the system comprising:

- (a) a global knowledge database (Fig. 3, 304; Fig. 4, 402; DBMS (Database Management System)) including a plurality of categorized responses (i.e. data) corresponding to a plurality of user inquiries (i.e. queries) wherein each categorized response comprises at least one identifier (i.e. user making request) (section 0042, 0045, 0046);
- (b) a first response system (i.e. user system; Fig. 1, 102; Fig. 3, 312; Fig. 4, 412) in communication with the global knowledge database, the first response system configured to provide a first categorized response (i.e. data response) included in the global knowledge database to a first user inquiry (i.e. user request or query), the first response system being of a first type of response system (i.e. a personal computer system) (section 0042);
- (c) a second response system (i.e. another user system; Fig. 1, 102; Fig. 3, 312; Fig. 4, 412) in communication with the global knowledge database, the second response system configured to provide a second categorized response (i.e. data response) included in the global knowledge database to a second user inquiry (i.e. another user's request or query), the second response system being of a first type of response system (i.e. a second personal computer system) (section 0042);
- (d) an analysis database (Fig. 1, 108; Fig. 8: 822, 824) configured to store and analyze (i.e. data mining) first data relating to the categorized responses (i.e. data responses) provided by the first response system and the second response system, and second data relating to the identifiers (i.e. customer or user) of the first response and the second response (section 0042; 0058); and
- (e) a report generator (Fig. 1, 108; Fig. 8: 822, 824) configured to generate an interactive report (i.e. data mining results including: customized and personalized information) using the data

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stored in the analysis database, wherein the report comprises a plurality of categories, wherein each category corresponds to a response system, a categorized response, an identifier of a categorized response, or a combination thereof (section 0058; 0068); and

(f) means for generating a recommendation based on the report (i.e. recommendation engine), wherein the recommendation is selected from the group consisting of change a business process, change a specified response system, send this type of transaction to a specified response system, enhance a handling of a customer contact, automate the response to the customer, do not change the business process, and any recommendation related thereto (section 0061-0066; 0069-0071; 0084).

Again, Bushey discloses the claimed system except Bushey does not disclose means for generating a recommendation based on the report. However, the claimed feature of generating a recommendation based on the report was old and well known in the art. Tamayo clearly teaches such concept.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bushey to include means for generating a recommendation based on the report as taught by Tamayo. In other words, one of ordinary skill in the art would have been lead to make such a modification of Bushey to include means for generating a recommendation based on the report, such as the means for generating a recommendation of Tamayo, to the system of Bushey so the system of Bushey can provide recommendations on how to process user inquiries based on the report.

Regarding claim 2, the system of claim 1, wherein Bushey discloses the identifiers are selected from the group consisting of response identifiers, system identifiers (i.e. agent models),

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customer identifiers, inquiry identifiers, time identifiers, activity identifiers, status identifiers, model identifiers, vendor identifiers, outcome identifiers, and a combination thereof (col. 8, line 58 – col. 9, line 55).

Regarding claim 3, the system of claim 1, wherein Bushey discloses the first response system comprises a live-agent response system (i.e. human agent; Fig. 1: 171, 172, 173) (col. 6, lines 43-53; col. 9, lines 4-20; col. 11, lines 26-41).

Regarding claim 4, the system of claim 1, wherein Bushey discloses the second response system comprises an automated response system (i.e. interactive voice response unit or automated agent; Fig. 1: 160, 161) operable to communicate with the knowledge database independent of the first response system (i.e. human agent; Fig. 1: 171, 172, 173) (col. 6, lines 29-41 and lines 54-61; col. 9, lines 4-20; col. 11, lines 26-41).

Regarding claim 5, the system of claim 1, wherein Bushey further comprising: a user information database (i.e. database; internal resources) configured to store user information; wherein the first response system is configured to retrieve information from the user information database in responding to the first user inquiry (col. 6, line 62 – col. 7, line 16).

Regarding claim 6, the system of claim 1, wherein Bushey discloses the first response system (i.e. human agent; Fig. 1: 171, 172, 173) and the second response system (i.e. interactive voice response unit or automated agent; Fig. 1: 160, 161) are distributed (col. 6, lines 29-61).

Regarding claim 7, the system of claim 1, wherein Bushey discloses the first response system (i.e. human agent; Fig. 1: 171, 172, 173) and the second response system (i.e. interactive voice response unit or automated agent; Fig. 1: 160, 161) are integrated (col. 6, line 62 – col. 7, line 10; col. 8, line 58 – col. 9, line 3).



Regarding claim 8, the system of claim 1, wherein Bushey discloses the global knowledge database further comprises a plurality of templates (i.e. information related to products and services) for responding to inquiries from users (col. 6, line 62 – col. 7, line 10; col. 10, line 23-40).

Regarding claim 9, the system of claim 1, wherein Bushey discloses the first response system (i.e. human agent; Fig. 1: 171, 172, 173) is configured to use a first of the plurality of templates (i.e. information related to products and services) to respond to the first user inquiry and wherein the second response system (i.e. interactive voice response unit or automated agent; Fig. 1: 160, 161) is configured to use the first of the plurality of templates (i.e. information related to products and services) to respond to the second user inquiry (col. 6, line 62 – col. 7, line 10; col. 10, line 23-40).

Regarding claim 10, the system of claim 9, wherein Bushey discloses the first system comprises a live agent response system (i.e. human agent; Fig. 1: 171, 172, 173) and the second response system comprises an automated response system (i.e. interactive voice response unit or automated agent; Fig. 1: 160, 161) (col. 6, lines 29-61).

Regarding claim 11, the system of claim 1, wherein Bushey further comprising an analysis engine (i.e. agent data processor; Fig. 2, 250), wherein the analysis engine is configured to determine the number of times a categorized response is generated by the first response system (col. 9, lines 4-60; col. 11, lines 5-41).

Regarding claim 12, the system of claim 1, wherein Bushey further comprising an analysis engine (i.e. agent data processor; Fig. 2, 250), wherein the analysis engine is configured

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to updated the analysis database (i.e. match processor; Fig. 2, 270) when a categorized response is generated by the first response system (col. 9, lines 4-60; col. 11, lines 5-41).

Regarding claim 17, Bushey discloses a system (Figures 1 and 2; col. 5, line 43 – col. 7, line 16) for processing user inquiries (i.e. customer requests or services) (col. 7, lines 17-36), the system comprising:

a first response system (i.e. human agent; Fig. 1: 171, 172, 173) configured to provide a first categorized response (i.e. voice, instant messaging sessions, email) to a first user inquiry (i.e. customer request for service; requested communications modality) (col. 9, lines 4-20; col. 11, lines 26-41),

wherein the first categorized response comprises at least one identifier (i.e. agent model; col. 5, lines 38-42) (col. 8, line 67 – col. 9, line 32; col. 11, lines 5-19; col. 12, lines 47-53), the first response system being a first type of response system (col. 6, lines 43-53; col. 10, lines 40-46);

a second response system (i.e. interactive voice response unit or automated agent; Fig. 1: 160, 161) configured to provide a second categorized response (i.e. communications modalities; attributes of an agent; various modes for transmitting and storing information including: DTMF modality, speech recognition) to a second user inquiry (i.e. customer request for service; requested communications modality) (col. 9, lines 4-20; col. 11, lines 26-41) independent of the first response system (i.e. human agent; Fig. 1: 171, 172, 173) (col. 6, lines 29-41 and lines 54-61; col. 9, lines 4-20; col. 11, lines 26-41),

wherein the second categorized response comprises at least one identifier (i.e. agent model; col. 5, lines 38-42) (col. 8, line 67 – col. 9, line 32; col. 11, lines 5-19; col. 12, lines 47-53),

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the second response system being a second type of response system (col. 6, lines 29-41 and lines 54-61; col. 10, lines 40-46);

a global knowledge database (i.e. agent data processor and interfaces; Fig. 2: 240, 250)

configured to communicate with the first response system and the second response system (col. 8, line 58 – col. 9, line 3);

an analysis database (i.e. match processor; Fig. 2, 270) configured to store and analyze data (i.e. match scores; retrieved agent models) related to the categorized responses (i.e. modalities), the response systems (i.e. agents), the identifiers (i.e. agent models), or a combination thereof (col. 9, lines 33-41); and

a report generator (i.e. routing processor; Fig. 2, 280) configured to generate a report (i.e. a list of best matched agents) based on the data analyzed by the analysis database, wherein the report comprises at least one recommendation (i.e. best match) regarding at least one response system (i.e. agent) (col. 9, line 42 – col. 10, line 11).

Bushey does not disclose wherein the at least one recommendation is selected from the group consisting of change a business process, change a response system, send this type of transaction to a specified response system, enhance a handling of a customer contact, automate the response to the customer, do not change the business process, and any recommendation related thereto.

Tamayo discloses a system (Fig. 1) for processing user inquiries, the system comprising:

(a) a first response system (i.e. user system; Fig. 1, 102; Fig. 3, 312; Fig. 4, 412) configured to provide a first categorized response (i.e. data response) to a first user inquiry (i.e. user request or

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query), wherein the first categorized response comprises at least one identifier (i.e. user making request), the first response system being a first type of response system (i.e. a personal computer system) (section 0042);

(b) a second response system (i.e. another user system; Fig. 1, 102; Fig. 3, 312; Fig. 4, 412) configured to provide a second categorized response (i.e. data response) to a second user inquiry (i.e. another user's request or query) independent of the first response system, wherein the second categorized response comprises at least one identifier (i.e. user making request), the second response system being a first type of response system (i.e. a second personal computer system) (section 0042);

(c) a global knowledge database (Fig. 3, 304; Fig. 4, 402; DBMS (Database Management System)) configured to communicate with the first response system and the second response system (section 0042, 0045, 0046);

(d) an analysis database (Fig. 1, 108; Fig. 8: 822, 824) configured to store and analyze data (i.e. data mining) related to the categorized responses (i.e. data responses), the response systems, the identifiers (i.e. customer or user), or a combination thereof (section 0042; 0058); and

(e)

a report generator (Fig. 1, 108; Fig. 8: 822, 824) configured to generate a report (i.e. data mining results including: customized and personalized information) based on the data analyzed by the analysis database (section 0058; 0068), wherein the report comprises at least one recommendation regarding at least one response system, wherein the at least one recommendation is selected from the group consisting of change a business process, change a response system, send this type of transaction to a

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specified response system, enhance a handling of a customer contact, automate the response to the customer, do not change the business process, and any recommendation related thereto (section 0061-0066; 0069-0071; 0084).

Again, Bushey discloses the claimed system except Bushey does not disclose the at least one recommendation is selected from the group consisting of change a business process, change a response system, send this type of transaction to a specified response system, enhance a handling of a customer contact, automate the response to the customer, do not change the business process, and any recommendation related thereto. However, the claimed feature of the at least one recommendation is selected from the group consisting of change a business process, change a response system, send this type of transaction to a specified response system, enhance a handling of a customer contact, automate the response to the customer, do not change the business process, and any recommendation related thereto was old and well known in the art. Tamayo clearly teaches such concept.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bushey to include the at least one recommendation is selected from the group consisting of change a business process, change a response system, send this type of transaction to a specified response system, enhance a handling of a customer contact, automate the response to the customer, do not change the business process, and any recommendation related thereto as taught by Tamayo. In other words, one of ordinary skill in the art would have been lead to make such a modification of Bushey to include the at least one recommendation is selected from the group consisting of change a business process, change a response system, send this type of transaction to a specified response system, enhance a handling

of a customer contact, automate the response to the customer, do not change the business process, and any recommendation related thereto of Tamayo, to the system of Bushey so the system of Bushey can provide recommendations on how to process user inquiries based on the report.

Regarding claim 18, the system of claim 17, wherein Bushey discloses the second response system comprises an automated response system (i.e. interactive voice response unit or automated agent; Fig. 1: 160, 161) operable to communicate with the global knowledge database independent of the first response system, and wherein the first response system comprises a live agent response system (i.e. human agent; Fig. 1: 171, 172, 173) (col. 6, lines 29-41 and lines 54-61; col. 9, lines 4-20; col. 11, lines 26-41).

Regarding claim 20, the system of claim 17, wherein Bushey in view of Tamayo discloses said report further comprises that the selection of a recommendation (Bushey: i.e. best match) causes a display of linked additional data (Bushey: i.e. additional agents may be added to the list and allowed to service the customer while the selection is pending) (Bushey: col. 9, line 42 – col. 10, line 11; Tamayo: section 0058; 0061-0066; 0069-0071).

Regarding claim 23, the system of claim 17, wherein Bushey discloses the report comprises an overlaid contact graph (i.e. a list with best matched agents) comprising a plurality of shapes (i.e. pointer, entry), wherein each shape comprises dimensions corresponding to the data (i.e. agents, agent models, modalities) stored in the analysis database (col. 9, line 42 – col. 10, line 11; Fig. 5; col. 12, lines 13-46).

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

10. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-8300 (for formal communications intended for entry)

**Or call:**

(571) 272-2600 (for customer service assistance)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LISA HASHEM whose telephone number is (571)272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Olisa Anwah/  
Primary Examiner, Art Unit 2614

/Lisa Hashem/  
Examiner, Art Unit 2614  
July 18, 2009